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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,646	06/27/2003	Guyton P. Swindell	A8973	2684
23373	7590	07/17/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			PHAN, THIEM D	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,646

Applicant(s)

SWINDELL ET AL.

Examiner

Tim Phan

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on 4/21/06 has been fully considered and made of record.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of informal drawing/labeling.

Applicants are advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawing is required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawing will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forrester et al (US 5,867,624) in view of Bossard (US 5,353,366).

With regard to claim 6, Forrester et al teach a method for storing surplus ADSS cable, comprising:

- applying a clamp or dead-end grasper (Fig. 9, 12) to a first portion of a first fiber optic cable (Fig. 9, 10);
- using a bail (Fig. 9, 18 & 20) to connect the clamp to a support structure;
- connecting a splice closure (Fig. 9, 70) to the bail;
- splicing (Col. 7, lines 9-13) a second portion of the first fiber optic cable to a second fiber optic cable in the splice closure; except for connecting an aerial splicing platform to the bail to splice the fiber optic cable.

Bossard teaches an aerial optical fiber splicing station (Fig. 3, 10) hanged to a splice closure (Col. 4, lines 9 & 10) in order to facilitate the working on the fiber optic cable in difficult location such as aerial enclosures (Abstract).

It would be obvious to one of ordinary skill in the art at the time the invention was made to apply the aerial optical fiber splicing station hanged to a splice closure to the process of working fiber optic cable with the splice enclosure hanged to a bail, as taught by Forrester et al, in order to have the aerial optical fiber splicing station hanged directly to the bail and to facilitate the working on the aerial fiber optic cable such as testing, repairing, installation or the like.

With regard to claim 7, Forrester et al teach that the splice closure (Fig. 9, 70) is positioned away from the clamp (Fig. 9, 12) to maintain a minimum bend radius in the first fiber optic cable.

With regard to claim 8, Forrester et al teach that the first fiber optic cable is an all-dielectric, self-supporting (ADSS) fiber optic cable (Col. 2, lines 36 & 37).

With regard to claim 9, Forrester et al in view of Bossard teach the process of working on aerial fiber optic cable, including the in-line and butt splice (Forrester et al; col. 7, lines 9-13) of the ADSS optical cable (Fig. 9, 10), without severing the first fiber optic cable (Bossard; Abstract).

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forrester et al in view of Bossard and further view of Applicants' Admitted Prior Art, hereinafter AAPA.

With regard to claims 10 and 11, Forrester et al in view of Bossard teach a method of working on and storing surplus ADSS cable, which reads on applicants' claimed invention.

The AAPA teaches the technique of "taut sheath splicing" on steel cable supporting fiber optic cables extruded together into a 'figure 8' form in order to enable an user to splice in the drop cable without predetermining splice points or slack coils (AAPA, page 1, paragraph 0003) and to drop service to specific customers.

It would be obvious to one of ordinary skill in the art at the time the invention was made to combine the three teachings by applying the “taut sheath splicing”, as taught by AAPA, to the method of working on and storing surplus ADSS cable, as taught by Forrester et al in view of Bossard, in order to facilitate the fiber optic cable’s drop service to specific customers.

Response to Arguments

6. Applicants' arguments filed on 4/21/06 with respect to claims 6-9 have been considered but they are not persuasive for the following reasons.

Applicants' assertions that Forrester et al's Fig. 9 shows that the clamp 12 and bails 18 and 20 are components of only one item (Remarks, page 7, lines 1-3) are traversed since the same logic can be applied to applicants' Fig. 1, which shows that all items 12, 14, 16, 28, 24, etc... are just components of only one item, an apparatus or “a piece of hardware” for splicing a fiber optic cable (Abstract). There should not be any argument since the one item of Forrester et al's Fig. 9 teaches the one item of applicants' Fig. 1. Furthermore, Forrester et al teach different layers of wires (Fig. 5, items 12, 18 & 20; col. 4, lines 1-3), which significantly proves that they are not of one item, specially with the intended splicing at item 20.

Applicants urge that Forrester et al do not teach the connection of the bails (Fig. 9, 18 & 20) do not connect to the support structure (Remarks, page 7, lines 4-9). Forrester et al do indeed teach that connection to the support structure, which can be the rigid link (22) and the pole.

It appears that applicants try to read the Specification into the claims and fail to recognize the scope of the claims when judged in view of Forrester et al and Bossard. (Cf. MPEP 2111 and *In re Geuns*, 26 USPQ 2nd 1057 (Fed. Cir. 1993)).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Applicants' amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 571-272-4568. The examiner can normally be reached on M - F, 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tim Phan
Examiner
Art Unit 3729

tp
July 8, 2006



A. DEXTER TUGBANG
PRIMARY EXAMINER